

BOARD OF SUPERVISORS

MINUTES

October 13, 2004

Supervisors in Attendance:

Mr. Kelly E. Miller, Chairman
Mr. Edward B. Barber, Vice Chrm.
Mrs. Renny B. Humphrey
Mr. R. M. "Dickie" King, Jr.
Mr. Arthur S. Warren

Mr. Lane B. Ramsey
County Administrator

Staff in Attendance:

Colonel Carl R. Baker,
Police Department
Mr. George Braunstein,
Exec. Dir., Community
Services Board
Mr. J. Edward Beck, Asst.
Dir., Utilities
Ms. Elizabeth Bernhard,
Dir., Victim Witness
Assistance Program
Dr. Billy Cannaday, Jr.,
Supt., School Board
Ms. Jana Carter, Dir.,
Youth Planning and
Development
Ms. Marilyn Cole, Asst.
County Administrator
Ms. Rebecca Dickson, Dir.,
Budget and Management
Mr. James Dunn, Dir.,
Economic Development
Mr. Robert Eanes, Asst. to
the County Administrator
Ms. Lisa Elko, CMC
Clerk
Chief Stephen A. Elswick,
Fire Department
Mr. Michael Golden, Dir.,
Parks and Recreation
Mr. Bradford S. Hammer,
Deputy Co. Admin.,
Human Services
Mr. John W. Harmon,
Right-of-Way Manager
Mr. Thomas E. Jacobson,
Dir. of Revitalization
Mr. Donald Kappel, Dir.,
Public Affairs
Ms. Mary Lou Lyle, Dir.,
Accounting
Mr. R. John McCracken,
Dir., Transportation
Mr. Richard M. McElfish,
Dir., Env. Engineering
Mr. Steven L. Micas,
County Attorney
Mr. Glen Peterson, Dir.,
Community Diversion
Incentive Program
Mr. Francis Pitaro, Dir.,
General Services

Mr. James J. L. Stegmaier,
Deputy Co. Admin.,
Management Services
Mr. M. D. Stith, Jr.,
Deputy Co. Admin.,
Community Development
Mr. Kirkland A. Turner,
Director of Planning

Mr. Miller called the regularly scheduled meeting to order at 4:14 p.m.

1. APPROVAL OF MINUTES FOR SEPTEMBER 22, 2004

On motion of Mr. Barber, seconded by Mrs. Humphrey, the Board approved the minutes of September 22, 2004, as submitted.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

2. COUNTY ADMINISTRATOR'S COMMENTS

- o Mr. Ramsey announced that Deputy Chief Paul Mauger will serve in the capacity of Interim Fire Chief after Chief Stephen Elswick's retirement November 1, 2004. He noted that the recruitment process for fire chief will not begin until February 2005.

Chief Mauger stated Chief Elswick has been a tremendous leader for the organization as well as a great friend and mentor, and he is sad to see him retire. He further stated he is proud to be a member of Chesterfield Fire and EMS and is both humbled and honored to serve as Interim Fire Chief.

Mr. Miller congratulated Chief Mauger, on behalf of the Board, on his appointment as Interim Fire Chief.

- o Mr. Ramsey called forward Dr. Cannaday to make an introduction.

Dr. Cannaday expressed appreciation for the privilege of working with Chief Elswick and stated he looks forward to working with Chief Mauger. He then introduced the School Board's new attorney, Mr. Michael Packer.

Mr. Packer expressed appreciation for the warm welcome he has received. He stated he already sees the tremendous assistance provided by the County Attorney's Office to the school system every day and it is an honor to be associated with them.

Mr. Miller welcomed Mr. Packer, congratulated him on his new position and stated the Board looks forward to working with him.

2.B. CHESTERFIELD COUNTY INTIMATE PARTNER AND FAMILY VIOLENCE REVIEW PROJECT PRESENTATION

Members of the Fatality Review Team provided findings and recommendations associated with the Intimate Partner and

Family Violence Review Project.

Ms. Sharon Lindsey, Police Department Domestic Violence Coordinator, reviewed objectives, history and composition of the Fatality Review Team, as well as the case criteria and demographics used for the Intimate Partner and Family Review Project. She provided a map detailing the locations of intimate partner homicides from 1997 through 2001 and discussed risk factors of the cases reviewed.

Ms. Beth Smyers, Assistant Commonwealth Attorney, reviewed recommendations made by the Fatality Review Team, including increased training on awareness and suicide risk factors for families involved with domestic violence; increased families' awareness of signs and symptoms of domestic violence through expanding the availability of resource materials and hotline numbers; increased awareness of the connection between firearms and death through education on the laws regarding domestic violence and firearms; increased awareness of lethality factors including those associated with separation; providing domestic violence education and training for school system staff including healthy relationships, the impact of domestic violence on children and reporting requirements; increased awareness of the increased risk of domestic violence in the presence of substance abuse; identifying repeat offenders and assess for increased supervision needs and outreach services for family members.

Mrs. Humphrey stated she believes the data provided will be very helpful to the Police Department in following up on and preventing further domestic violence calls. She requested that the data be updated regularly.

2.A. CITIZENS FOR CHESTERFIELD STUDENTS BOND REFERENDUM UPDATE

Ms. Patricia Carpenter, Chairperson of Citizens for Chesterfield Students, stated efforts to support the school bond referendum began in July 2004. She further stated the committee has implemented a very aggressive campaign to inform citizens about the bond referendum, including a fundraising campaign; producing brochures, printed materials and signs; radio, television, print and billboard advertising; booking speaking engagements and attending meetings or gatherings of Chesterfield citizens. She stated over 30 presentations have been completed to date and she estimates that a total of approximately 90 presentations will have been made by November 2, 2004. She expressed appreciation to Mr. Ramsey for providing professional staff support and to the Board for its ongoing support of the committee.

3. BOARD COMMITTEE REPORTS

There were no Board committee reports at this time.

4. REQUESTS TO POSTPONE ACTION, ADDITIONS, OR CHANGES IN THE ORDER OF PRESENTATION

On motion of Mr. Barber, seconded by Mr. King, the Board replaced and moved Item 8.A., Approval of Agreements and Financing Designations for the Redevelopment of Cloverleaf Mall, to be heard after Item 11., Closed Session Pursuant to Section 2.2-3711(A)(3), Code of Virginia, 1950, as Amended, to Discuss the Acquisition of Real Estate for a Public Purpose Where Discussion in an Open Meeting Would Adversely Affect the Bargaining Position or Negotiating Strategy of the Public Body; added Item 10.D., Report of Planning Commission Substantial Accord Determination on VECCO/Epic Road, Communications Tower (Case 05PD0140); and adopted the Agenda, as amended.

Ayes: Miller, Barber, Humphrey, King and Warren.
Nays: None.

5. RESOLUTIONS AND SPECIAL RECOGNITIONS

5.A. RECOGNIZING STAFF SERGEANT CHRISTOPHER WATSON FOR HIS CONTRIBUTION TO THE WAR AGAINST GLOBAL TERRORISM

Colonel Baker introduced Staff Sergeant Christopher Watson who was present to receive the resolution.

On motion of the Board, the following resolution was adopted:

WHEREAS, on September 11, 2001, the United States was stunned when terrorists hijacked airplanes and attacked the World Trade Center and the Pentagon, killing and injuring thousands of people; and

WHEREAS, as a result of these attacks, the United States military entered into a war against global terrorism; and

WHEREAS, this military response has included "Operation Noble Eagle," involving homeland defense and civil support missions; "Operation Enduring Freedom," formerly known as "Operation Infinite Justice," to destroy the terrorist training camps and infrastructure within Afghanistan, the capture of al Qaeda leaders, and the cessation of terrorist activities in Afghanistan; "Operation Vigilant Resolve," to isolate and root out the terrorist forces responsible for repeated attacks on coalition forces in Fallujah, Iraq; and "Operation Iraqi Freedom," to free the people of Iraq from years of tyranny under the Iraqi dictator Saddam Hussein, who also sponsored terrorism; and

WHEREAS, each of these operations was conducted to make the United States, and the world, a safer place; and

WHEREAS, among the hundreds of thousands of military personnel mobilized for this war effort were scores of Chesterfield County residents and employees who serve in the reserve components of the various military services; and

WHEREAS, Staff Sergeant Christopher Watson, United States Army, is one of the courageous Americans who answered the call to duty unflinchingly and honorably; and

WHEREAS, this Board of Supervisors supports the President and our troops, and commends the reserve military personnel who served in these military operations for their courageous service and sacrifice; and

WHEREAS, the families of these military men and women also bear a great sacrifice and uncertainty in the absence of their loved ones serving in far-off lands; and

WHEREAS, it is appropriate to recognize the courage and sacrifice of our reservists and their families during this difficult time.

NOW, THEREFORE BE IT RESOLVED, that the Chesterfield County Board of Supervisors, this 13th day of October 2004, publicly recognizes the sacrifice and courage of Staff Sergeant Christopher Watson, and expresses its gratitude to him for making the world a safer place for freedom-loving people everywhere.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

Mr. Warren presented the executed resolution to Staff Sergeant Watson, accompanied by Colonel Baker, and commended him on his courageous service and sacrifice.

Staff Sergeant Watson expressed appreciation to the Board for the recognition and also to Colonel Baker for making the transition back from military to civilian life as easy as possible.

5.B. RECOGNIZING OCTOBER 2004, AS "CRIME PREVENTION MONTH" IN CHESTERFIELD COUNTY

Colonel Baker introduced Captain Mike Spraker, Lieutenant Gary Sims, Sergeant Dave Deringer, Officer Mike Catron and Mr. Jim Eicher who were present to receive the resolution.

On motion of the Board, the following resolution was adopted:

WHEREAS, the vitality of our county depends on how safe we keep our homes, neighborhoods, schools, workplaces, and communities; and

WHEREAS, crime and fear of crime destroy our trust in others and in civic institutions, threatening the community's health, prosperity, and quality of life; and

WHEREAS, people of all ages must be made aware of what they can do to prevent themselves and their families, neighbors, and co-workers from being harmed by crime; and

WHEREAS, the personal injury, financial loss, and community deterioration resulting from crime are intolerable and require investment from the whole community; and

WHEREAS, crime prevention initiatives must include self-protection and security, but they must go beyond these to promote collaborative efforts to make neighborhoods safer for all ages and to develop positive opportunities for younger people; and

WHEREAS, adults must invest time, resources, and policy support in effective prevention and intervention strategies for youth, and teens must be engaged in driving crime from their communities; and

WHEREAS, effective crime prevention programs excel because of partnerships among law enforcement, other government agencies, civic groups, schools, faith communities, businesses, and individuals as they help to nurture communal responsibility and instill pride.

NOW, THEREFORE, BE IT RESOLVED, that the Chesterfield County Board of Supervisors, this 13th day of October 2004, publicly recognizes October 2004, as "Crime Prevention Month" in Chesterfield County and urges all citizens, government agencies, public and private institutions, and businesses to invest in the power of prevention and work together to make Chesterfield County a safer, stronger, more caring community.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

Mr. Miller presented the executed resolution to Sergeant Deringer, accompanied by Colonel Baker and other members of the crime prevention team, and expressed appreciation for Police Department initiatives to prevent crime in the county.

5.C. RECOGNIZING OCTOBER 2004, AS "DOMESTIC VIOLENCE AWARENESS MONTH"

Mr. Hammer introduced Ms. Patricia Jones-Turner, Domestic Violence Resource Center Coordinator, and members of the Domestic Violence Task Force who were present to receive the resolution.

On motion of the Board, the following resolution was adopted:

WHEREAS, violence in the home continues as a major social problem affecting all members of the family and community and dramatically reduces the quality of life for many citizens; and

WHEREAS, we understand the problems of domestic violence occur among people of all ages and in families of all economic, racial, and social backgrounds; and

WHEREAS, the crime of domestic violence violates an individual's privacy, dignity, security, and humanity, due to systematic use of physical, emotional, sexual, psychological and economic control and abuse; and

WHEREAS, the impact of domestic violence is wide ranging, directly affecting women, men and their children and our community as a whole; and

WHEREAS, Chesterfield County is committed to supporting the well being of families by advocating for intervention and prevention activities that decrease the incidents of domestic violence; and

WHEREAS, only a coordinated and integrated effort, which obtains a commitment from all elements of the community to share responsibility in the fight against domestic violence, will put an end to the horrific crime.

NOW, THEREFORE, BE IT RESOLVED, that the Chesterfield County Board of Supervisors, this 13th day of October 2004, publicly recognizes October 2004, as "Domestic Violence Awareness Month" and urges all citizens to actively support the efforts of the Chesterfield County Domestic Violence Resource Center, the Chesterfield Domestic Violence Task Force and our local domestic violence service providers in working towards the elimination of domestic violence in our community.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

Mr. King presented the executed resolution to Ms. Jones-Turner, accompanied by members of the Domestic Violence Task Force, and expressed appreciation for the efforts of domestic violence service providers towards eliminating domestic violence.

Ms. Jones-Turner thanked the Board for its support of domestic violence awareness efforts in the county. She expressed concerns relative to the impact of domestic violence on children and stated that one of the goals for 2005 is to expand services to ensure children receive the services and protection they deserve.

6. WORK SESSIONS

There were no work sessions at this time.

7. DEFERRED ITEMS

There were no deferred items at this time.

8.B. APPOINTMENTS

On motion of Mr. Barber, seconded by Mrs. Humphrey, the Board suspended its rules at this time to allow for simultaneous nomination/appointment/reappointment of members to serve on the Chesterfield Emergency Planning Committee; Disability Services Board and Youth Services Citizen Board.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

8.B.1. CHESTERFIELD EMERGENCY PLANNING COMMITTEE

On motion of Mrs. Humphrey, seconded by Mr. Barber, the Board nominated the following people to serve on the Chesterfield Emergency Planning Committee, who will be appointed by the Governor: Mr. Eddie Berry, Chesterfield Fire and Emergency Medical Services; Mr. Kevin Garrett, State Police; and Mr. Don Rodgers, Defense Supply Center Richmond.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

8.B.2. DISABILITY SERVICES BOARD

On motion of Mr. Miller, seconded by Mr. Barber, the Board simultaneously nominated/appointed Ms. Margaret Anne Fields, representing the county at-large, to serve on the Disability Services Board, whose term is effective immediately and expires December 31, 2005.

Ayes: Miller, Barber, Humphrey, King and Warren.
Nays: None.

8.B.3. YOUTH SERVICES CITIZEN BOARD

On motion of Mr. Miller, seconded by Mrs. Humphrey, the Board simultaneously nominated/appointed Mr. Andre Walters, a youth representative from the Dale District, to serve on the Youth Services Citizen Board, whose term is effective immediately and expires June 30, 2005.

Ayes: Miller, Barber, Humphrey, King and Warren.
Nays: None.

8.B.4. GRTC TRANSIT SYSTEM BOARD OF DIRECTORS

On motion of Mr. Miller, seconded by Mr. Barber, the Board simultaneously nominated/reappointed Mr. David W. Mathews, Mr. Daniel K. Smith and Mr. S. Joseph Ward to serve on the GRTC Transit System Board of Directors, whose terms are effective October 20, 2004 and expire October 19, 2005.

And, further, the Board authorized the County Administrator, or his designee, to appear at the October 20, 2004 GRTC annual meeting to vote, on behalf of the county, for the GRTC Directors appointed by the Board and by Richmond City Council.

Ayes: Miller, Barber, Humphrey, King and Warren.
Nays: None.

8.C. STREETLIGHT INSTALLATION COST APPROVAL

On motion of Mr. King, seconded by Mr. Barber, the Board approved the following streetlight request:

Bermuda District

- Happy Hill Road, vicinity of 16001
Cost to install streetlight: \$667.03

Ayes: Miller, Barber, Humphrey, King and Warren.
Nays: None.

8.D. CONSENT ITEMS

8.D.1. ADOPTION OF RESOLUTIONS

8.D.1.a. RECOGNIZING OCTOBER 3-9, 2004, AS "FIRE PREVENTION WEEK" IN CHESTERFIELD COUNTY

On motion of Mr. Barber, seconded by Mrs. Humphrey, the Board adopted the following resolution:

WHEREAS, the 2004 Fire Prevention Week theme - "Test Your Smoke Alarms" emphasizes the importance of working smoke alarms in homes; and

WHEREAS, every 74 seconds, a home burns in the United States; and

WHEREAS, approximately 4500 people die in fires each year; and

WHEREAS, eight out of ten deaths in the United States occur in the home, with the majority of them occurring while people are asleep; and

WHEREAS, roughly 70% of home fire deaths results from fires in homes with no smoke alarms or no working smoke alarms; and

WHEREAS, a properly operating smoke alarm can detect smoke in the early stages of a fire's development, allowing for time to escape; and

WHEREAS, testing smoke alarms once a month, replacing batteries when you change your clocks, unless you have alarms with ten year batteries, and replacing smoke alarms that have been in use for more than ten years will ensure proper operation of the smoke alarm, in the event of a fire; and

WHEREAS, a working smoke alarm and a practiced home escape plan which includes everyone in the household knowing two ways out of each room - having an outdoor location in front of the home where everyone will meet upon exiting, and calling 9-1-1 from outside of the home will increase the chances of everyone in the home getting out safely; and

WHEREAS, the members of Chesterfield Fire and EMS will check existing smoke alarms, replace batteries, or install new smoke alarms each time they enter a citizen's home.

NOW, THEREFORE BE IT RESOLVED, that the Chesterfield County Board of Supervisors publicly recognizes the week of October 3-9, 2004, as "Fire Prevention Week" and that this week commemorates the Great Chicago Fire of 1871, which killed more than 250 persons, left 100,000 homeless and destroyed more than 17,400 buildings.

AND, BE IT FURTHER RESOLVED, that the Board of Supervisors calls upon the people of Chesterfield County to participate in fire prevention activities at home, work, and school and to "Test Your Smoke Alarms" to ensure their safety and the safety of their families in the event of a fire.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

8.D.1.b. RECOGNIZING OCTOBER 13, 2004, AS "SAVE DAY" IN CHESTERFIELD COUNTY

On motion of Mr. Barber, seconded by Mrs. Humphrey, the Board adopted the following resolution:

WHEREAS, violence is among the leading causes of death in America, and has replaced disease as the number one killer of children; and

WHEREAS, domestic violence has devastating effects on a woman's physical and emotional well-being, and her ability to care for her children; and

WHEREAS, violence comes in many forms - sexual violence; youth gang and peer-related violence; family violence; street violence; and media violence; and

WHEREAS, billions of dollars per year are attributable to preventable violence-related deaths and injuries and add a tremendous burden to America's health care system; and

WHEREAS, the first step toward unraveling the many layers of our nation's violence problems can begin with awareness; and

WHEREAS, awareness and prevention are the heart of the SAVE Program and of its cornerstone event, SAVE Day, during which time alliances of physicians' spouses across the country will join efforts with the American Medical Association to Stop America's Violence Everywhere (SAVE); and

WHEREAS, in a local effort to address this critical issue, the Richmond Academy of Medicine Alliance has joined with YWCA, and other organizations in memorializing persons in the metropolitan areas who have lost their lives because of domestic abuse; and

WHEREAS, the Richmond Academy of Medicine Alliance has also sponsored a project to distribute rape crisis packages to hospital emergency rooms for victims of rape.

NOW, THEREFORE BE IT RESOLVED, that the Chesterfield County Board of Supervisors, this 13th day of October 2004, recognizes October 13, 2004, as "SAVE Day" in Chesterfield County.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

**8.D.1.c. SUPPORTING FEDERAL EMERGENCY MANAGEMENT AGENCY
FUNDING THE RESTORATION AND REPAIR OF THE OLD STONE
BRIDGE AT FALLING CREEK AND ROUTE 1**

On motion of Mr. Barber, seconded by Mrs. Humphrey, the Board adopted the following resolution:

WHEREAS, the Historic Stone Bridge on Jefferson Davis Highway, that was completed in 1828, was significantly damaged during tropical storm GASTON on August 30, 2004; and

WHEREAS, Chesterfield County appreciates the historic significance of this structure to the community as the only remaining major visible evidence of one of Virginia's earliest toll roads; and

WHEREAS, the Virginia Department of Transportation (VDOT) maintains the bridge as a historic site; and

WHEREAS, Chesterfield County recognizes the hazardous safety issues due to the damage to the bridge; and the tradition of useful pleasure to its citizens provided by this once beautiful bridge; and

WHEREAS, the federal government, through FEMA, has allocated funds for the purpose of assisting in the rebuilding of historic structures damaged by tropical storm GASTON.

NOW, THEREFORE BE IT RESOLVED, that the Chesterfield County Board of Supervisors recommends to and supports the efforts of VDOT to apply for funds from FEMA necessary to repair the Historic Stone Bridge on Jefferson Davis Highway.

Ayes: Miller, Barber, Humphrey, King and Warren.
Nays: None.

8.D.2. STATE ROAD ACCEPTANCE

On motion of Mr. Barber, seconded by Mrs. Humphrey, the Board adopted the following resolution:

WHEREAS, the street described below is shown on plats recorded in the Clerk's Office of the Circuit Court of Chesterfield County; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised this Board the street meets the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation.

NOW, THEREFORE, BE IT RESOLVED, that this Board requests the Virginia Department of Transportation to add the street described below to the secondary system of state highways, pursuant to Section 33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements.

AND, BE IT FURTHER RESOLVED, that this Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage.

AND, BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

Type Change to the Secondary System of State Highways: Addition

Basis for Change: Addition, New subdivision street

Statutory Reference: §33.1-229

Project: Whitestone, Sec. 5

● Trickling Creek Place, State Route Number: 5778

From: Scottingham Dr., (Rt. 2728)

To: Cul-de-sac, a distance of: 0.08 miles.

Right-of-way record was filed on 12/12/2003 with the Office Of Clerk To Circuit Court in Pb.139; Pg. 80,

with a width of 40 Ft.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

8.D.3. APPROVAL OF FY2005 SCHOOL BOARD CAPITAL IMPROVEMENT PLAN - RESERVE FOR SCHOOL CAPITAL IMPROVEMENTS

On motion of Mr. Barber, seconded by Mrs. Humphrey, the Board transferred the FY2005 Reserve for School Capital Improvements to the School Capital Improvements Fund (CIP) in the amount of \$7,643,000.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

8.D.4. AWARD OF MULTIPLE PHYSICIAN SERVICES CONTRACTS FOR PHYSICALS AND DRUG/ALCOHOL TESTING FOR VARIOUS COUNTY AND SCHOOL DEPARTMENTS TO COSHA, JOHN RANDOLPH/RETREAT, PRIMARY HEALTH GROUP AND OCCUHEALTH ALLIANCE

On motion of Mr. Barber, seconded by Mrs. Humphrey, the Board authorized the County Administrator to execute four separate requirements contracts for physician services to provide physicals and drug/alcohol testing for various county and school departments with COSHA, John Randolph/Retreat Hospitals Joint Venture, Primary Health Group and Occuhealth Alliance.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

8.D.5. AUTHORIZATION OF CHANGE ORDERS AND TRANSFER OF FUNDS FOR THE MEADOWVILLE TECHNOLOGY PARK L2 INDUSTRIAL ACCESS PROJECT

On motion of Mr. Barber, seconded by Mrs. Humphrey, the Board authorized the County Administrator to execute change orders up to \$200,000 for the Meadowville Technology Park L2 Industrial Access project and transferred \$70,000 from the Industrial Access Account to the project.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

8.D.6. REQUESTS FOR PERMISSION

8.D.6.a. FROM JAMES VERNON DANIELS TO INSTALL A PRIVATE WATER SERVICE WITHIN A PRIVATE EASEMENT TO SERVE PROPERTY ON GILL STREET

On motion of Mr. Barber, seconded by Mrs. Humphrey, the Board approved a request from James Vernon Daniels for permission to install a private water service within a private easement to serve property at 3920 Gill Street and authorized the County Administrator to execute the water connection agreement. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

8.D.6.b. FROM JEFFERSON L. AND JESSICA K. HAMILTON FOR A GRAVEL DRIVEWAY TO ENCROACH WITHIN A FIFTY-FOOT UNIMPROVED RIGHT OF WAY KNOWN AS SUNSET BOULEVARD

On motion of Mr. Barber, seconded by Mrs. Humphrey, the Board approved a request from Jefferson L. Hamilton and Jessica K. Hamilton for permission for a gravel driveway to encroach within a 50-foot unimproved right of way known as Sunset Boulevard, subject to the execution of a license agreement. (It is noted a copy of the vicinity sketch is filed with the papers of this Board.)

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

8.D.6.c. FROM KIN YAN WONG AND RONG SHENG HUANG FOR A PROPOSED DECK TO ENCROACH WITHIN AN EIGHT-FOOT EASEMENT ACROSS LOT 13, MEADOWBROOK FARM, SECTION F

On motion of Mr. Barber, seconded by Mrs. Humphrey, the Board approved a request from Kin Yan Wong and Rong Sheng Huang for permission for a proposed deck to encroach within an eight-foot easement across Lot 13, Meadowbrook Farm, Section F. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

8.D.6.d. FROM CMA PROPERTIES, INCORPORATED FOR A PROPOSED CONCRETE SIDEWALK TO ENCROACH WITHIN A SIXTEEN-FOOT SEWER EASEMENT ACROSS THE PROPERTY OF CMA PROPERTIES, INCORPORATED

On motion of Mr. Barber, seconded by Mrs. Humphrey, the Board approved a request from CMA Properties, Incorporated for a proposed concrete sidewalk to encroach within a 16-foot sewer easement across its property. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

8.D.6.e. FROM EDITH A. GAVIS FOR A PROPOSED FENCE TO ENCROACH WITHIN A SIXTEEN-FOOT DRAINAGE EASEMENT ACROSS LOT 18, BLOCK A, WREXHAM ESTATES, PHASE I

On motion of Mr. Barber, seconded by Mrs. Humphrey, the Board approved a request from Edith A. Gavis for a proposed fence to encroach within a 16-foot drainage easement across Lot 18, Block A, Wrexham Estates, Phase I. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

8.D.6.f. FROM INTERFAITH HOUSING CORPORATION TO INSTALL A PRIVATE SEWER SERVICE WITHIN THE SHERBOURNE ROAD RIGHT OF WAY TO SERVE PROPERTY ON SHERBOURNE ROAD

On motion of Mr. Barber, seconded by Mrs. Humphrey, the Board approved a request from Interfaith Housing Corporation for permission to install a private sewer service within the Sherbourne Road right of way to serve property at 2620 Sherbourne Road, subject to receipt of a Virginia Department of Transportation permit, and authorized the County Administrator to execute the sewer connection agreement. (It is noted a copy of the vicinity sketch is filed with the papers of this Board.)

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

8.D.6.g. FROM RENEE MARTEN FOR A PROPOSED SCREENED PORCH TO ENCROACH WITHIN A SIXTEEN-FOOT DRAINAGE EASEMENT ACROSS LOT 13, BIRKDALE, SECTION 1

On motion of Mr. Barber, seconded by Mrs. Humphrey, the Board approved a request from Renee Marten for permission for a screened porch to encroach within a 16-foot drainage easement across Lot 13, Birkdale, Section 1, subject to the execution of a license agreement. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

8.D.6.h. FROM CARMEN C. REILLY FOR A PROPOSED DECK TO ENCROACH WITHIN A SIXTEEN-FOOT SANITARY SEWER EASEMENT ACROSS LOT 46, KRIM POINT AT THE GROVE, SECTION 1

On motion of Mr. Barber, seconded by Mrs. Humphrey, the Board approved a request from Carmen C. Reilly for permission for a proposed deck to encroach within a 16-foot sanitary sewer easement across Lot 46, Krim Point at the Grove, Section 1, subject to the execution of a license agreement. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

8.D.6.i. FROM ROBERT P. AND GLORIA H. WATSON FOR A PROPOSED FENCE TO ENCROACH WITHIN AN EIGHT-FOOT EASEMENT AND A SIXTEEN-FOOT DRAINAGE EASEMENT ACROSS LOT 6, EDGEWATER AT THE RESERVOIR, SECTION 7

On motion of Mr. Barber, seconded by Mrs. Humphrey, the Board approved a request from Robert P. Watson and Gloria H. Watson for permission for a proposed fence to encroach within an eight-foot easement and a 16-foot drainage easement across Lot 6, Edgewater at the Reservoir, Section 7.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

8.D.7. CONVEYANCE OF AN EASEMENT TO VIRGINIA ELECTRIC AND POWER COMPANY FOR UNDERGROUND CABLE TO SERVE THE MEADOWVILLE WATER TANK

On motion of Mr. Barber, seconded by Mrs. Humphrey, the Board authorized the Chairman of the Board of Supervisors and the County Administrator to execute an easement agreement with Virginia Electric and Power Company for underground cable to serve the Meadowville Water Tank. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: Miller, Barber, Humphrey, King and Warren.
Nays: None.

8.D.8. AWARD OF CONSTRUCTION CONTRACT TO EAST COAST UTILITY CONTRACTORS, LIMITED FOR THE CHESDIN ROAD PUMP STATION RENOVATIONS PROJECT

On motion of Mr. Barber, seconded by Mrs. Humphrey, the Board awarded a construction contract to East Coast Utility Contractors, Limited, in the amount of \$1,174,000, for County Project Number 02-0086, Chesdin Road Pump Station Renovations, and authorized the County Administrator to execute the necessary documents.

Ayes: Miller, Barber, Humphrey, King and Warren.
Nays: None.

8.D.9. REQUESTS TO QUITCLAIM

8.D.9.a. A PORTION OF A SIXTEEN-FOOT WATER EASEMENT ACROSS THE PROPERTY OF EVANS RESEARCH, LLC

On motion of Mr. Barber, seconded by Mrs. Humphrey, the Board authorized the Chairman of the Board of Supervisors and the County Administrator to execute a quitclaim deed to vacate a portion of a 16-foot water easement across the property of Evans Research, LLC. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: Miller, Barber, Humphrey, King and Warren.
Nays: None.

8.D.9.b. A PORTION OF A SIXTEEN-FOOT WATER EASEMENT ACROSS THE PROPERTY OF FIRST MARKET BANK, FSB

On motion of Mr. Barber, seconded by Mrs. Humphrey, the Board authorized the Chairman of the Board of Supervisors and the County Administrator to execute a quitclaim deed to vacate a portion of a 16-foot water easement across the property of First Market Bank, FSB. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: Miller, Barber, Humphrey, King and Warren.
Nays: None.

8.D.10. AUTHORIZATION TO EXECUTE THE SPECIAL PROJECT SERVICE AGREEMENT BETWEEN CENTRAL VIRGINIA WASTE MANAGEMENT AUTHORITY AND CHESTERFIELD COUNTY REGARDING THE USED ELECTRONIC EQUIPMENT RECYCLING PROGRAM

On motion of Mr. Barber, seconded by Mrs. Humphrey, the Board authorized the County Administrator to execute the Special Project Service Agreement between Central Virginia Waste Management Authority and Chesterfield County regarding the Used Electronic Equipment Recycling Program. (It is noted a copy of the agreement is filed with the papers of this Board.)

Ayes: Miller, Barber, Humphrey, King and Warren.
Nays: None.

8.D.11. ACCEPTANCE OF PARCELS OF LAND

8.D.11.a. ALONG THE SOUTH RIGHT OF WAY LINE OF JUSTICE ROAD FROM ROMAG, LLC

On motion of Mr. Barber, seconded by Mrs. Humphrey, the Board accepted the conveyance of two parcels of land containing a total of 0.038 acres along the south right of way line of Justice Road (State Route 973) from Romag, LLC, and authorized the County Administrator to execute the deed. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: Miller, Barber, Humphrey, King and Warren.
Nays: None.

8.D.11.b. FOR THE EXTENSION OF WALMART WAY

8.D.11.b.1. FROM POSEIDON SWIMMING, INCORPORATED

On motion of Mr. Barber, seconded by Mrs. Humphrey, the Board accepted the conveyance of two parcels of land containing a total of 0.441 acres from Poseidon Swimming, Incorporated, for the extension of Walmart Way, and authorized the County Administrator to execute the deed. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: Miller, Barber, Humphrey, King and Warren.
Nays: None.

8.D.11.b.2. FROM CONREAL, LLC

On motion of Mr. Barber, seconded by Mrs. Humphrey, the Board accepted the conveyance of a parcel of land containing 0.123 acres from Conreal, LLC, for the extension of Walmart Way, and authorized the County Administrator to execute the deed. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: Miller, Barber, Humphrey, King and Warren.
Nays: None.

8.D.12. SET PUBLIC HEARING DATES

8.D.12.a. TO CONSIDER AMENDING THE COUNTY POLICY REGARDING CRIMINAL BACKGROUND CHECKS FOR COACHES OF CO-SPONSORED GROUPS TO REQUIRE NATIONAL CHECKS

On motion of Mr. Barber, seconded by Mrs. Humphrey, the Board set the date of November 10, 2004 at 7:00 p.m. for a public hearing for the Board to consider amending the county policy regarding criminal background checks for coaches of co-sponsored groups to require national checks.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

8.D.12.b. TO CONSIDER AN ORDINANCE CREATING A SEPARATE CLASSIFICATION OF TANGIBLE PERSONAL PROPERTY FOR MOTOR VEHICLES SPECIALLY EQUIPPED TO PROVIDE TRANSPORTATION TO PHYSICALLY HANDICAPPED INDIVIDUALS

On motion of Mr. Barber, seconded by Mrs. Humphrey, the Board set the date of October 27, 2004 at 7:00 p.m. for a public hearing for the Board to consider an ordinance creating a separate classification of personal property for motor vehicles specially equipped to provide transportation to physically handicapped individuals.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

8.D.13. ACCEPTANCE OF GRANTS

8.D.13.a. AWARDED BY THE BUREAU OF JUSTICE ASSISTANCE FOR THE FY2005 LAW ENFORCEMENT TECHNOLOGY GRANT TO PURCHASE EQUIPMENT TO ENHANCE THE POLICE DEPARTMENT'S COMMUNITY POLICING AND CRIME PREVENTION EFFORTS

On motion of Mr. Barber, seconded by Mrs. Humphrey, the Board authorized the Police Department to accept and appropriate an award from the United States Department of Justice, Bureau of Justice Assistance, Law Enforcement Technology Grant, in the amount of \$98,948, to purchase equipment to enhance the Police Department's community policing and crime prevention efforts and authorized the County Administrator to execute all documents.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

8.D.13.b. AWARDED BY THE DEPARTMENT OF MOTOR VEHICLES FOR THE FY2005 HIGHWAY SAFETY PROJECT GRANT TO PURCHASE EQUIPMENT AND PAY OVERTIME TO ENHANCE THE POLICE DEPARTMENT'S TRAFFIC SAFETY AND ACCIDENT PREVENTION EFFORTS

On motion of Mr. Barber, seconded by Mrs. Humphrey, the Board authorized the Police Department to accept and appropriate an award from the Virginia Department of Motor Vehicles, Highway

Safety Project Grant, in the amount of \$25,000, to purchase equipment and pay overtime to enhance the Police Department's traffic safety and accident prevention efforts, and authorized the County Administrator to execute all documents.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

8.D.14. DONATION OF \$2,000 FROM THE MATOACA DISTRICT IMPROVEMENT FUND TO THE VIRGINIA STATE UNIVERSITY SCHOLARSHIP PROGRAM

On motion of Mr. Barber, seconded by Mrs. Humphrey, the Board approved a donation of \$2,000 from the Matoaca District Improvement Fund to the Virginia State University Scholarship Program.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

8.D.15. TRANSFER DISTRICT IMPROVEMENT FUNDS FROM THE MATOACA DISTRICT IMPROVEMENT FUND TO THE SCHOOL BOARD TO FUND THE FOSTER GRANDPARENTS PROGRAM AT ETTRICK ELEMENTARY SCHOOL IN ACCORDANCE WITH AN AGREEMENT BETWEEN THE FOSTER GRANDPARENTS PROGRAM AND THE SCHOOL

On motion of Mr. Barber, seconded by Mrs. Humphrey, the Board transferred \$2,766 from the Matoaca District Improvement Fund to the School Board to fund the Foster Grandparents Program at Ettrick Elementary School in accordance with an agreement between the Foster Grandparents Program and the School.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

9. HEARINGS OF CITIZENS ON UNSCHEDULED MATTERS OR CLAIMS

There were no hearings of citizens on unscheduled matters or claims at this time.

10. REPORTS

10.A. REPORT ON THE DEVELOPER WATER AND SEWER CONTRACTS

10.B. REPORT ON THE STATUS OF GENERAL FUND BALANCE, RESERVE FOR FUTURE CAPITAL PROJECTS, DISTRICT IMPROVEMENT FUNDS AND LEASE PURCHASES

10.C. REPORT OF ROADS ACCEPTED INTO THE STATE SECONDARY SYSTEM

10.D. REPORT OF PLANNING COMMISSION SUBSTANTIAL ACCORD DETERMINATION ON VEPCO/EPIC ROAD, COMMUNICATIONS TOWER (CASE 05PD0140)

On motion of Mrs. Humphrey, seconded by Mr. Barber, the Board accepted the following reports: a report on Developer Water

and Sewer Contracts; a report on the Status of General Fund Balance, Reserve for Future Capital Projects, District Improvement Funds and Lease Purchases; and a report of the Planning Commission's substantial accord determination on VEPCO/Epic Road, Communications Tower (Case 05PD0140).

And, further, the following roads were accepted into the State Secondary System:

<u>ADDITION</u>	<u>LENGTH</u>
<u>ASHLEY FOREST, SECTION C, PHASE 1 A</u> (Effective 8/25/2004)	
Black Gum Terrace (Route 5750) - From Wellspring Road (Route 5749) to cul-de-sac	0.19 Mi.
Poplar View Place (Route 5749) - From Wellspring Road (Route 5749) to cul-de-sac	0.08 Mi.
Wellspring Road (Route 4599) - From Black Gum Terrace (Route 5750) to 0.05 mile east of Black Gum Terrace (Route 5750)	0.05 Mi.
Wellspring Road (Route 4599) - From Poplar View Place (Route 5749) to Black Gum Terrace (Route 5750)	0.10 Mi.
Wellspring Road (Route 4599) - From 0.03 mile east of Dogwood Ridge Court (Route 4556) to Poplar View Place (Route 5749)	0.31 Mi.
<u>ASHLEY FOREST, SECTION C, PHASE 1 B</u> (Effective 8/25/2004)	
Wellspring Road (Route 4599) - From 0.05 mile east of Black Gum Terrace (Route 5750) to Happy Hill Road (Route 619)	0.09 Mi.
<u>CHESDIN RIDGE, SECTION A</u> (Effective 8/23/2004)	
Chesdin Ridge Drive - From River Road (Route 602) to 0.28 mile west of River Road (Route 602)	0.28 Mi.
<u>CHESDIN RIDGE, SECTION B</u> (Effective 8/23/2004)	
Chesdin Ridge Court (Route 5738) - From Chesdin Ridge Drive (Route 5737) to cul-de-sac	0.08 Mi.
Chesdin Ridge Drive (Route 5737) - From 0.28 mile west of River Road (Route 602) to Chesdin Ridge Court (Route 5738)	0.06 Mi.
Chesdin Ridge Drive (Route 5737) - From Chesdin Ridge Court (Route 5738) to cul-de-sac	0.06 Mi.
<u>IVYRIDGE, SECTION A</u> (Effective 8/25/2004)	
Ivyridge Court (Route 5348) - From Ivyridge Drive (Route 5319) to cul-de-sac	0.04 Mi.

Ivyridge Drive (Route 5319) - From Petersburg Street (Route 1522) to Ivyridge Court (Route 5348) 0.11 Mi.

Ivyridge Drive (Route 5319) - From Ivyridge Court (Route 5348) to Ivyridge Turn (Route 5349) 0.06 Mi.

Ivyridge Drive (Route 5319) - From Ivyridge Turn (Route 5349) to 0.02 mile northeast of Ivyridge Turn (Route 5349) 0.02 Mi.

Ivyridge Turn (Route 5349) - From Ivyridge Drive (Route 5319) to cul-de-sac 0.02 Mi.

KING'S FARM, SECTION 1 AT RIVERDOWNS
(Effective 8/27/2004)

Cotesworth Way (Route 5741) - From Kings Farm Drive (Route 5739) to Pond Chase Drive (Route 5742) 0.11 Mi.

Kings Farm Court (Route 5740) - From Kings Farm Drive (Route 5739) to cul-de-sac 0.12 Mi.

Kings Farm Drive (Route 5739) - From Riverdowns South Drive (Route 5744) to 0.01 mile south of Riverdowns South Drive (Route 5744) 0.01 Mi.

Kings Farm Drive (Route 5739) - From Kings Farm Court (Route 5740) to Riverdowns South Drive (Route 5744) 0.13 Mi.

Kings Farm Drive (Route 5739) - From Robious Road (Route 711) to Cotesworth Way (Route 5741) 0.22 Mi.

Kings Farm Drive (Route 5739) - From Cotesworth Way (Route 5741) to Kings Farm Court (Route 5740) 0.07 Mi.

Pond Chase Drive (Route 5742) - From Cotesworth Way (Route 5741) to cul-de-sac 0.10 Mi.

Pond Chase Drive (Route 5742) - From Cotesworth Way (Route 5741) to 0.01 mile south of Cotesworth Way (Route 5741) 0.01 Mi.

Pond Chase Place (Route 5743) - From Pond Chase Drive (Route 5742) to cul-de-sac 0.05 Mi.

Riverdowns South Drive (Route 5744) - From Kings Farm Drive (Route 5739) to Robious Road (Route 711) 0.32 Mi.

LENOX FOREST, SECTION 2
(Effective 8/27/2004)

Forest Creek Drive (Route 5736) - From 0.04 mile east of Lenox Forest Drive (Route 5733) to Riverdowns North Drive (Route 5745) 0.07 Mi.

Planters Walk Court (Route 5748) - From Planters Walk Drive (Route 5734) to cul-de-sac 0.05 Mi.

Planters Walk Court (Route 5734) - From 0.08 mile East of Lenox Forest Drive (Route 5733) to Planters Walk Court (Route 5748)	0.04 Mi.
Planters Walk Drive (Route 5734) - From Planters Walk Court (Route 5748) to cul-de-sac	0.05 Mi.
Riverdowns North Court (Route 5746) - From Riverdowns North Drive (Route 5745) to cul-de-sac	0.04 Mi.
Riverdowns North Drive (Route 5745) - From Robious Road (Route 711) to Riverdowns North Court (Route 5746)	0.11 Mi.
Riverdowns North Drive (Route 5745) - From Riverdowns North Mews (Route 5747) to Riverdowns North Court (Route 5746)	0.15 Mi.
Riverdowns North Drive (Route 5745) - From Forest Creek Drive (Route 5736) to Riverdowns North Mews (Route 5747)	0.11 Mi.
Riverdowns North Mews (Route 5747) - From Riverdowns North Drive (Route 5745) to cul-de-sac	0.06 Mi.
<u>LITTLEBURY, SECTION 1</u> (Effective 8/27/2004)	
Littlebury Court (Route 5753) - From Littlebury Drive (Route 5752) to cul-de-sac	0.04 Mi.
Littlebury Drive (Route 5752) - From Prindell Court (Route 5754) to Littlebury Court (Route 5753)	0.04 Mi.
Littlebury Drive (Route 5752) - From Littlebury Court (Route 5753) to Quixton Lane (Route 5755)	0.06 Mi.
Littlebury Drive (Route 5752) - From Longmeadow Circle (Route 5131) to Prindell Court (Route 5754)	0.06 Mi.
Littlebury Drive (Route 5752) - From Quixton Lane (Route 5755) to 0.02 mile east of Quixton Lane (Route 5755)	0.02 Mi.
Longmeadow Circle (Route 5131) - From Somersby Lane (Route 5132) to Littlebury Drive (Route 5752)	0.25 Mi.
Longmeadow Circle (Route 5131) - From Littlebury Drive (Route 5752) to 0.01 mile north of Littlebury Drive (Route 5752)	0.01 Mi.
Prindell Court (Route 5754) - From Littlebury Drive (Route 5752) to cul-de-sac	0.06 Mi.
Quixton Lane (Route 5755) - From Littlebury Drive (Route 5752) to 0.03 mile north of Littlebury Drive (Route 5752)	0.03 Mi.

OXLEY AT LONGMEADOW
(Effective 8/27/2004)

Longmeadow Circle (Route 5131) - From Oxley Drive (Route 5756) to 0.02 mile north of Oxley Drive (Route 5756) 0.02 Mi.

Longmeadow Circle (Route 5131) - From Exhall Drive (Route 4697) to Oxley Drive (Route 5756) 0.13 Mi.

Oxley Court (Route 5757) - From Oxley Drive (Route 5756) to cul-de-sac 0.09 Mi.

Oxley Court (Route 5757) - From Oxley Drive (Route 5756) to cul-de-sac 0.05 Mi.

Oxley Drive (Route 5756) - From Longmeadow Circle (Route 5131) to Oxley Court (Route 5757) 0.08 Mi.

Ayes: Miller, Barber, Humphrey, King and Warren.
Nays: None.

11. CLOSED SESSION PURSUANT TO SECTION 2.2-3711(A)(3), CODE OF VIRGINIA, 1950, AS AMENDED, TO DISCUSS THE ACQUISITION OF REAL ESTATE FOR A PUBLIC PURPOSE WHERE DISCUSSION IN AN OPEN MEETING WOULD ADVERSELY AFFECT THE BARGAINING POSITION OR NEGOTIATING STRATEGY OF THE PUBLIC BODY

On motion of Mr. Barber, seconded by Mrs. Humphrey, the Board went into Closed Session pursuant to Section 2.2-3711(A)(3), Code of Virginia, 1950, as amended, to discuss the acquisition of real estate for a public purpose where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body.

Ayes: Miller, Barber, Humphrey, King and Warren.
Nays: None.

Reconvening:

On motion of Mr. Barber, seconded by Mr. Miller, the Board adopted the following resolution:

WHEREAS, the Board of Supervisors has this day adjourned into Closed Session in accordance with a formal vote of the Board and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, the Virginia Freedom of Information Act effective July 1, 1989 provides for certification that such Closed Session was conducted in conformity with law.

NOW, THEREFORE BE IT RESOLVED, the Board of Supervisors does hereby certify that to the best of each member's knowledge, i) only public business matters lawfully exempted from open meeting requirements under the Freedom of Information Act were discussed in the Closed Session to which

this certification applies, and

ii) only such public business matters as were identified in the Motion by which the Closed Session was convened were heard, discussed, or considered by the Board. No member dissents from this certification.

The Board being polled, the vote was as follows:

Mr. Warren: Aye.
Mr. King: Aye.
Mrs. Humphrey: Aye.
Mr. Barber: Aye.
Mr. Miller: Aye.

8. NEW BUSINESS

8.A. APPROVAL OF AGREEMENTS AND FINANCIAL DESIGNATIONS PROVIDING FOR THE REDEVELOPMENT OF CLOVERLEAF MALL

Mr. Jacobson provided details of the decreased assessed value of the Cloverleaf Mall property and stated the goal for the actions being requested by the Board is to increase the economic health and tax base of the Midlothian Corridor and surrounding neighborhoods. He stated staff has been working on a plan to revitalize Cloverleaf Mall since the Board's adoption of the Eastern Midlothian Plan in 1998. He further stated expert advice from a national consultant experienced in revitalization indicated that Cloverleaf Mall will no longer be a regional shopping center, but instead the county should be proactive and redevelop it as a mixed-use center. He stated the Urban Land Institute has advised the county that financing the overall development will involve both public and private venues. He further stated the county's goal is to redevelop Cloverleaf Mall as a mixed use center - office, retail, restaurants, hotel and residential units, and for the project to be so nice that it encourages other investment within the corridor. He provided financial details relative to the redevelopment and announced that the county's development partner has successfully signed a purchase agreement for the Sears building and surrounding 15 acres of land. He stated the plan is for the developer to purchase the Cloverleaf Mall property from the county by December 2005. He provided details of operating costs that will be the county's responsibility during FY2005 and FY2006 and also provided details of the schedule for the proposed redevelopment. He then reviewed the actions being requested by the Board.

On motion of Mr. Barber, seconded by Mr. Warren, the Board approved and authorized the County Administrator to execute a "Support Agreement" between the county and the Industrial Development Authority (IDA) obligating the county, subject to annual appropriations, to make payments under an IDA loan in an amount up to \$10,000,000 as authorized by the Board of Supervisors to purchase the Cloverleaf Mall buildings and land parcels.

And, further, the Board approved and authorized the County Administrator to execute a lease between the county and the IDA obligating the county, subject to annual appropriations, to pay the cost of operating the mall.

And, further, the Board approved the use of \$1,050,000 from the Reserve for Future Capital Projects for FY2005 costs as follows: designated \$500,000 for operating costs associated with the mall for 2004/05; approved the use of \$300,000 for debt service costs associated with the IDA loan; and approved the designation of \$250,000 for other operating costs associated with the mall, including costs associated with the acquisition of additional property.

Ayes: Miller, Barber, Humphrey, King and Warren.
Nays: None.

12. DINNER

On motion of Mr. Barber, seconded by Mr. Miller, the Board recessed to the Administration Building, Room 502, for dinner.

Ayes: Miller, Barber, Humphrey, King and Warren.
Nays: None.

13. INVOCATION

Mr. Miller gave the invocation.

14. PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA

Members of Cub Scout Den 11 from Pack 806 led the Pledge of Allegiance to the flag of the United States of America.

15. RESOLUTIONS AND SPECIAL RECOGNITIONS

15.A. PRESENTATION OF THE AWARD FOR CONTINUING EXCELLENCE (ACE)

Mr. Ramsey introduced Mr. Kennon Kincaid from Senator Allen's Office, which sponsors the Senate and Productivity Quality Award program in Virginia.

Mr. Kincaid stated ACE Award recipients are considered to be role models and benchmark organizations. He further stated achievement of the Award for Continuing Excellence is a great step towards fulfilling the county's vision of being the recognized leader in local government across the Commonwealth and the nation. He congratulated the county upon this extraordinary achievement.

Senator George Allen congratulated the county by video and stated Chesterfield is one of the best-run counties in America.

Mr. Kincaid then presented the 2004 ACE Award to Mr. Miller, accompanied by Mr. Ramsey.

Mr. Miller stated it is a unique accomplishment for the county to receive the ACE award for a second time. He

further stated the award is an example of the teamwork exhibited by loyal, committed county employees.

Mr. Ramsey stated there is no individual or group who earned this award - it is the entire organization.

15.B. RECOGNIZING OCTOBER 2004, AS "QUALITY MONTH"

Mr. Ramsey called forward Ms. Jo Lin Rohr, Quality Coordinator, who was present to receive the resolution.

On motion of the Board, the following resolution was adopted:

WHEREAS, a commitment to excellence in government, education, manufacturing, service, and health care is essential to our nation's well-being; and

WHEREAS, over the years, Virginians have shown great personal pride and interest in developing quality goods and services and in promoting a high standard of excellence in both the public and private sectors; and

WHEREAS, from the smallest to largest organizations in the Commonwealth of Virginia, quality is a major concern; and

WHEREAS, the individual workers, business leaders, educators, and government officials must work together to promote excellence in the public and private sectors; and

WHEREAS, in February, 1992, the Chesterfield County Board of Supervisors directed the County Administrator to develop and initiate an ongoing total quality improvement effort aimed at reinventing the way Chesterfield County government serves its customers; and

WHEREAS, many county employees have joined the ranks of those in the private sector who are applying quality improvement tools and training in the workplace; and

WHEREAS, Chesterfield County has distinguished itself as a leader in quality and productivity as evidenced by the receipt of the Award for Continuing Excellence in 1998 and again in 2004, and by documented improvements that have accumulated to 62,000 hours avoided and \$4.1 million costs avoided; and

WHEREAS, the Chesterfield County Board of Supervisors recognizes that continuation of the county's commitment to Total Quality Improvement is a vital part of the county's strategies to provide a FIRST CHOICE community through excellence in public service.

NOW, THEREFORE BE IT RESOLVED, that the Chesterfield County Board of Supervisors, this 13th day of October 2004, publicly recognizes October 2004, as "Quality Month" in Chesterfield County and calls its significance to the attention of all its citizens.

Ayes: Miller, Barber, Humphrey, King and Warren.
Nays: None.

Mr. Miller presented the executed resolution to Ms. Rohr, accompanied by Mr. Ramsey and Mr. Kincaid, and commended her on the quality efforts exhibited in Chesterfield County.

Ms. Rohr expressed appreciation to the Board for its commitment to quality.

15.C. RECOGNIZING "CHRISTMAS MOTHER DAY" IN CHESTERFIELD COUNTY

Mr. Hammer introduced Ms. Dona Link, Christmas Mother for 2004, who was present to receive the resolution.

On motion of the Board, the following resolution was adopted:

WHEREAS, most families in Chesterfield County enjoy peace and happiness during the Christmas holidays; and

WHEREAS, there are many, including children, the elderly and the less fortunate, who do not have the means to enjoy this special time of year; and

WHEREAS, the Chesterfield/Colonial Heights Christmas Committee has successfully provided food, gifts, and clothing to many of our citizens in the past; and

WHEREAS, Ms. Dona Link has been elected Christmas Mother for 2004 and requests support of all the citizens of the county to ensure that those less fortunate may enjoy this special season of the year.

NOW, THEREFORE BE IT RESOLVED, that the Chesterfield County Board of Supervisors publicly recognizes October 12, 2004, as "Christmas Mother Day" and urges all citizens of Chesterfield County to support this worthy endeavor.

AND, BE IT FURTHER RESOLVED, that the Board of Supervisors publicly commends the Christmas Committee for its very successful efforts in past years and extends best wishes for a successful 2004 season.

AND, BE IT FURTHER RESOLVED, that a copy of this resolution be presented to Ms. Link and that this resolution be permanently recorded among the papers of this Board of Supervisors of Chesterfield County, Virginia.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

Mrs. Humphrey presented the executed resolution and a contribution, on behalf of the county, to Ms. Link, accompanied by former Christmas Mothers, and wished her well in her endeavors as this year's Christmas Mother.

Ms. Mary Blackwood, 2003 Christmas Mother, presented a plaque to Mrs. Humphrey in recognition of county employees' support of the Christmas Mother Program.

15.D. RECOGNIZING BOY SCOUTS UPON ATTAINING THE RANK OF EAGLE SCOUT

15.D.1. STEPHEN JAMES ASCHER, CLOVER HILL DISTRICT

15.D.2. JARED KENT CALFEE, MATOACA DISTRICT

15.D.3. DEVON JOHN DOYLE, MATOACA DISTRICT

15.D.4. SEAN DAVID DOYLE, MATOACA DISTRICT

15.D.5. NICHOLAS JOHN LEMZA, MATOACA DISTRICT

15.D.6. JOHN MCLEAN, MATOACA DISTRICT

15.D.7. LANDON CHARLES MICHAELS, MATOACA DISTRICT

15.D.8. MICHAEL GLENN SANDERS, CLOVER HILL DISTRICT

Mr. Hammer introduced Mr. Jared Calfee, Mr. Devon Doyle, Mr. Sean Doyle, Mr. Nicholas Lemza, Mr. Landon Michaels and Mr. Stephen Ascher, who were present to receive the resolution.

On motion of the Board, the following resolution was adopted:

WHEREAS, the Boy Scouts of America was incorporated by Mr. William D. Boyce on February 8, 1910, and was chartered by Congress in 1916; and

WHEREAS, the Boy Scouts of America was founded to build character, provide citizenship training and promote physical fitness; and

WHEREAS, after earning at least twenty-one merit badges in a wide variety of skills including leadership, service and outdoor life, serving in a leadership position in a troop, carrying out a service project beneficial to their community, being active in the troop, demonstrating Scout spirit, and living up to the Scout Oath and Law

Mr. Stephen James Ascher, Mr. Jared Kent Calfee, Mr. Devon John Doyle, Mr. Sean David Doyle, Mr. Nicholas John Lemza, Mr. John McLean, Mr. Landon Charles Michaels and Mr. Michael Glenn Sanders, all of Troop 860, sponsored by Woodlake United Methodist Church, have accomplished those high standards of commitment and have reached the long-sought goal of Eagle Scout which is received by only four percent of those individuals entering the Scouting movement; and

WHEREAS, growing through their experiences in Scouting, learning the lessons of responsible citizenship, and endeavoring to prepare themselves for roles as leaders in society, Stephen, Jared, Devon, Sean, Nicholas, John, Landon and Michael have distinguished themselves as members of a new generation of prepared young citizens of whom we can all be very proud.

NOW, THEREFORE BE IT RESOLVED, that the Chesterfield County Board of Supervisors, this 13th day of October 2004, hereby extends its congratulations to Mr. Stephen James Ascher, Mr. Jared Kent Calfee, Mr. Devon John Doyle, Mr. Sean David Doyle, Mr. Nicholas John Lemza, Mr. John McLean, Mr. Landon Charles Michaels and Mr. Michael Glenn Sanders, and

acknowledges the good fortune of the county to have such outstanding young men as its citizens.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

Mrs. Humphrey and Mr. Warren presented the executed resolutions and patches to Mr. Ascher, Mr. Calfee, Mr. Doyle, Mr. Doyle, Mr. Lemza and Mr. Michaels, accompanied by members of their families, congratulated them on their outstanding achievement, and wished them well in their future endeavors.

(It is noted Mrs. Sanders accepted the resolution on behalf of her son Michael who was unable to attend the meeting. It is also noted Mr. McLean was unable to attend the meeting and his resolution will be forwarded to him at a later date.)

Mr. Michaels expressed appreciation to God, Woodlake United Methodist Church, his scoutmasters and others for their support.

Mr. Calfee expressed appreciation to God, his parents, his scoutmasters and members of his troop for their support.

Mr. Sean Doyle expressed appreciation to God and members of his troop for their support.

Mr. Devon Doyle expressed appreciation to Woodlake United Methodist Church for sponsoring his troop and also to God, his parents, scoutmaster and scout friends for their support.

Mr. Lemza expressed appreciation to the Board for the recognition and also to God, his family and his church for their support.

Mr. Ascher expressed appreciation to the Board for the recognition and to all scouts for their inspiration and guidance.

Mrs. Sanders expressed appreciation, on behalf of her son Michael, for the recognition.

16. PUBLIC HEARINGS

16.A. TO CONSIDER FY2006 ENHANCEMENT PROJECTS

Mr. Stith stated this time and date has been advertised for the Board to consider FY2006 Enhancement Projects.

Mr. Miller called for public comment.

No one came forward to speak to the issue.

On motion of Mrs. Humphrey, seconded by Mr. Barber, the Board approved the FY2006 Enhancement Priority Project list and authorized staff to forward it to the Richmond and Tri-Cities Metropolitan Planning Organizations for approval; and authorized the County Administrator to enter into agreements between the Virginia Department of Transportation (VDOT)/county/consultant/contractor, for design, right-of-way acquisition, and/or construction agreements, acceptable to the County Attorney, for projects approved by VDOT.

And, further, the Board adopted the following resolution:

WHEREAS, in accordance with the Commonwealth Transportation Board (CTB) construction allocation procedures, it is necessary that the local governing body request, by resolution, approval of a proposed enhancement project.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Chesterfield County requests the CTB establish a project for Winchester Green Sidewalk and Landscaping, Phase II along Jefferson Davis Highway between and along Alcott Road and Bensley Commons Boulevard.

AND, BE IT FURTHER RESOLVED, that the Board hereby agrees to pay 20 percent of the total estimated cost of \$400,000 for planning, design, right-of-way, and construction of Phase II of the Project, and that, if the Board subsequently elects to unreasonably cancel this project, the County of Chesterfield hereby agrees that the Virginia Department of Transportation will be reimbursed for the total amount of the costs expended by the Department through the date the Department is notified of such cancellation.

And, further, the Board adopted the following resolution:

WHEREAS, in accordance with the Commonwealth Transportation Board (CTB) construction allocation procedures, it is necessary that the local governing body request, by resolution, approval of a proposed enhancement project.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Chesterfield County requests the CTB establish a project for the installation of streetlights along Genito Road from Fox Chase Lane to Watercove Road.

AND, BE IT FURTHER RESOLVED, that the Board hereby agrees to pay 20 percent of the total estimated cost of \$50,000 for planning, design, right-of-way, and construction of the Genito Road Streetlight Project, and that, if the Board subsequently elects to unreasonably cancel this project, the County of Chesterfield hereby agrees that the Virginia Department of Transportation will be reimbursed for the total amount of the costs expended by the Department through the date the Department is notified of such cancellation.

And, further, the Board adopted the following resolution:

WHEREAS, in accordance with the Commonwealth Transportation Board (CTB) construction allocation procedures, it is necessary that the local governing body request, by resolution, approval of a proposed enhancement project.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Chesterfield County requests the CTB establish a project for Phase I of the Cogbill Road Sidewalk Project from Meadowbrook High School to Meadowdale Branch Library.

AND, BE IT FURTHER RESOLVED, that the Board agrees to pay 20 percent of the total estimated cost of \$470,000 for planning, design, right-of-way, and construction of Phase I of the Cogbill Road Sidewalk Project from Meadowbrook High School to Meadowdale Branch Library, and that, if the Board subsequently elects to unreasonably cancel this project, the County of Chesterfield hereby agrees that the Virginia Department of Transportation will be reimbursed for the total amount of the costs expended by the Department through the date the Department is notified of such cancellation.

And, further, the Board adopted the following resolution:

WHEREAS, in accordance with the Commonwealth Transportation Board (CTB) construction allocation procedures, it is necessary that the local governing body request, by resolution, approval of a proposed enhancement project.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Chesterfield County requests the CTB establish a project for VSU Sidewalk along Hickory, River and East River Roads from Woodpecker Road to James Street.

AND, BE IT FURTHER RESOLVED that the Board hereby agrees to pay 20 percent of the total estimated cost of \$225,000 for planning, design, right-of-way, and construction of the Project, and that, if the Board subsequently elects to unreasonably cancel this project, the County of Chesterfield hereby agrees that the Virginia Department of Transportation will be reimbursed for the total amount of the costs expended by the Department through the date the Department is notified of such cancellation.

And, further, the Board adopted the following resolution:

WHEREAS, in accordance with the Commonwealth Transportation Board (CTB) construction allocation procedures, it is necessary that the local governing body request, by resolution, approval of a proposed enhancement project.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Chesterfield County requests the CTB establish a project for Phase II of Walton Park Road Sidewalk Project located between North Woolridge Road and Queensgate Road.

AND, BE IT FURTHER RESOLVED that the Board hereby agrees to pay 20 percent of the total estimated cost of \$400,000 for planning, design, right-of-way, and construction of Phase II of the Walton Park Road Sidewalk Project, and that, if the Board subsequently elects to unreasonably cancel this project, the County of Chesterfield hereby agrees that the Virginia Department of Transportation will be reimbursed for the total amount of the costs expended by the Department through the date the Department is notified of such cancellation.

(NOTE: If projects are approved and funded by VDOT, staff will return to the Board with an identified source for the required match, up to a total of \$309,000.)

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

16.B. TO CONSIDER ADOPTION OF AN ORDINANCE AUTHORIZING MINORS SIXTEEN (16) YEARS AND OLDER TO VOLUNTEER TO SERVE IN VOLUNTEER FIRE DEPARTMENTS IN THE COUNTY

Mr. Micas stated the next three public hearings are required as a result of changes made at the 2004 General Assembly session. He further stated this date and time has been advertised for a public hearing for the Board to consider adoption of an ordinance amendment that will allow minors 16 years of age and older to serve in volunteer fire departments in the county. He noted minors 16 years and older have served as volunteers for many years in the county under local regulations, but state law now requires that localities adopt an ordinance authorizing them to serve in volunteer fire departments in conjunction with state standards. He stated the Fire Department recommends adoption of the ordinance.

Mr. Miller called for public comment.

No one came forward to speak to the ordinance.

On motion of Mrs. Humphrey, seconded by Mr. Barber, the Board adopted the following ordinance:

AN ORDINANCE TO AMEND THE CODE OF THE COUNTY OF CHESTERFIELD, 1997, AS AMENDED, BY ADDING SECTION 2-80 RELATING TO PARTICIPATION BY MINORS IN VOLUNTEER FIRE COMPANY ACTIVITIES

BE IT ORDAINED by the Board of Supervisors of Chesterfield County:

(1) That Section 2-80 of the Code of the County of Chesterfield, 1997, as amended, is added to read as follows:

Sec. 2-80. Participation by minors in volunteer fire company activities.

(a) Pursuant to the authority of section 40.1-79.1 Code of Virginia, the county hereby authorizes any minor sixteen (16) years of age or older who resides in the county, with parental or legal guardian approval, to work with or participate fully in all activities of a volunteer fire company, provided such minor has attained certification under National Fire Protection Association NFPA 1001, Level One, fire fighter standards, as administered by the Virginia Department of Fire Programs and subject to any restrictions that may be imposed by the volunteer fire department or the Chesterfield Fire/EMS Department. The certification record and consent for each participant shall be kept on file in the office of the Chesterfield Fire/EMS Department.

(2) That this ordinance shall become effective immediately upon adoption.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

16.C. TO CONSIDER AMENDMENTS TO COUNTY CODE SECTION 9-132
REGARDING THE EXPENDITURE OF COURTHOUSE SECURITY FUNDS

Mr. Micas stated the county has been collecting \$5 for each criminal and traffic case conviction for a number of years to offset the cost of courthouse security. He further stated the 2004 General Assembly broadened the enabling legislation to allow the expenditure of these fees for equipment and other personal property used in connection with courthouse security.

Mr. Miller called for public comment.

No one came forward to speak to the issue.

On motion of Mr. King, seconded by Mr. Warren, the Board adopted the following ordinance amendment:

AN ORDINANCE TO AMEND THE CODE OF THE COUNTY
OF CHESTERFIELD, 1997, AS AMENDED, BY AMENDING
AND RE-ENACTING SECTION 9-132 RELATING TO COLLECTION
OF FEE AND APPROPRIATION FOR COURTHOUSE SECURITY PURPOSES

BE IT ORDAINED by the Board of Supervisors of Chesterfield County:

(1) That Section 9-132 of the Code of the County of Chesterfield, 1997, as amended, is amended and re-enacted to read as follows:

Section 9-132. Collection of processing fees for person admitted to jail following conviction and fees for courthouse security.

- (a) (1) In addition to any other fees prescribed by law, a \$25.00 processing fee is hereby imposed on every individual admitted to the county or regional jail following conviction in a district or circuit court.
- (2) This processing fee shall be ordered as a part of court costs collected by the clerk, deposited into the account of the county treasurer, and shall be appropriated to the sheriff to defray the costs of processing arrested persons into the jail.
- (b) (1) In addition to any other fees prescribed by law, a fee of \$5.00 is hereby imposed in each criminal and traffic case in which the defendant is convicted of a violation of any statute or ordinance. The clerks of the district and circuit courts shall charge and collect this fee as a part of the fees taxed as costs.
- (2) After collection by the clerk of the court in which the case is heard, the fee shall be remitted to the county treasurer and held subject to appropriation by the board of supervisors to the sheriff's office for funding courthouse security personnel, and, if requested by the sheriff, equipment and other personal

property used in connection with courthouse security.

(2) That this ordinance shall become effective immediately upon adoption.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

16.D. TO CONSIDER AMENDMENTS TO THE COUNTY'S INOPERABLE MOTOR VEHICLE ORDINANCE

Mr. Micas stated the county zoning ordinance has required for many years that inoperable motor vehicles be screened from view. He further stated a change in state law requires the county to amend the zoning ordinance to change the definition of screening to indicate that if someone standing at the property line cannot see a vehicle, it is considered screened. He further stated new state law also requires that if an owner can certify that a vehicle is actively being renovated, it does not require even the absence of visibility from the property line. He stated the proposed amendments are less restrictive than the county's existing law, but the county no longer has this discretion because the changes have been mandated by the state.

When asked, Mr. Micas stated the definition of shielding applies to any place on the property line at ground level.

Discussion ensued relative to the determination of whether a vehicle is actively being restored.

Mr. Miller called for public comment.

No one came forward to speak to the issue.

On motion of Mr. Warren, seconded by Mr. Barber, the Board adopted the following ordinance amendment:

AN ORDINANCE TO AMEND THE CODE OF THE COUNTY OF CHESTERFIELD, 1997, AS AMENDED, BY AMENDING AND RE-ENACTING SECTION 13-62 RELATING TO RESTRICTIONS ON KEEPING INOPERABLE MOTOR VEHICLES; REMOVAL OF SUCH VEHICLES

BE IT ORDAINED by the Board of Supervisors of Chesterfield County:

(1) That Section 13-62 of the Code of the County of Chesterfield, 1997, as amended, is amended and re-enacted to read as follows:

Section 13-62. Restriction on keeping inoperable motor vehicles; removal of such vehicles.

- (a) It shall be unlawful for any person, firm or corporation to keep, except within a fully enclosed building or otherwise shielded or screened from view, on any property zoned A, R, R-TH, R-MF, O and C, as those zoning classifications are defined in chapter 19, any motor vehicle, trailer or semitrailer, as such are defined in Code of Virginia, § 46.2-100, as amended, which is inoperable. As used in this

section "shielded or screened from view" means not visible by someone standing at ground level from outside of the property on which the subject vehicle is located.

- (b) Notwithstanding subsection (a) above, not more than one motor vehicle, trailer or semitrailer, as such are defined in Code of Virginia, § 46.2-100, as amended, which is inoperable may be kept outside of a fully enclosed building, provided it is shielded or screened from view by covers, on any property zoned A, R, R-TH, R-MF, MH-1, MH-2, O and C, as defined in chapter 19, if the vehicle is kept in the rear yard of the property. The rear yard shall be the yard extending between the rear line of the lot and the nearest line of the rear of the main building on the lot.
- (c) The owners of property zoned A, R, R-TH, R-MF, MH-1, MH-2, O and C, as defined in chapter 19, shall remove from their property any inoperable motor vehicles, trailers or semitrailers which are in violation of this section, within ten days after being given notice by the county to remove such inoperable motor vehicles, trailers or semitrailers. Notice to remove shall be deemed given when mailed by certified mail, return receipt requested, to the same address to which real estate tax bills are mailed to such owners of property. If the owners of the property do not remove the inoperable motor vehicles, trailers or semitrailers from the property within ten days after being given notice to do so by the county, then the county, its agent or employees may remove the inoperable motor vehicles, trailers or semitrailers from the property. After giving an additional ten days' notice to the owners of the vehicles, the county may dispose of such motor vehicles, trailers or semitrailers. Notice of disposal of such motor vehicles, trailers or semitrailers is given when mailed by certified mail, return receipt requested, to the last known address of the owner of the inoperable motor vehicles, trailers or semitrailers. Notwithstanding the other provisions of this section, if the owner of such vehicle can demonstrate that he is actively restoring or repairing the vehicle, and if it is shielded or screened from view, the vehicle and one additional inoperable motor vehicle being used for restoration or repair may remain on the property.
- (d) The cost of removal and disposal of the inoperative motor vehicles, trailers and semitrailers shall be chargeable to the owners of the property from which the inoperable motor vehicles, trailers and semitrailers were removed or to the owners of the inoperable motor vehicles, trailers and semitrailers. The costs of removal and disposal may be collected in the same way that taxes and levies are collected. Every cost authorized by this section against the owner of the property from which the inoperative motor vehicles, trailers and semitrailers was removed shall constitute a lien against that property. The

lien shall continue until payment of the assessed costs have been paid.

- (e) As used in this section, the term "inoperable motor vehicle" means any motor vehicle which is not in operating condition; or which for a period of 60 days or longer has been partially or totally disassembled by the removal of tires and wheels, the engine, or other essential parts required for operation of the vehicle; or on which there are displayed neither valid license plates nor a valid inspection decal.
- (f) This section shall not apply to any business lawfully conducted on property that is zoned to permit the keeping of inoperable motor vehicles, trailers or semitrailers; nor shall this section apply to a licensed business that on June 26, 1970, was regularly engaged in business as an automobile dealer, salvage dealer or scrap processor.
- (g) Compliance with this section shall not exempt any owner of an inoperable vehicle from the license tax imposed by section 13-54 of this Code.

(2) That this ordinance shall become effective immediately upon adoption.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

16.E. TO CONSIDER COMCAST'S PROPOSED RATE INCREASE FOR LIMITED BASIC CABLE SERVICE AND INSTALLATION AND EQUIPMENT RATES

Mr. Micas stated the Federal Cable Communication Act generally deregulates local rates for cable television across the country; however, one area is subject to local regulation - installation charges and the limited basic tier. He further stated Comcast now charges \$8.76 for the limited basic tier and is proposing a maximum permitted rate of \$10.16 for this service. He stated, although Comcast has had the ability to raise its rates in the past, it has not always increased to the maximum rate. He further stated the only option for the county to deal with increased limited basic rates is to fund an independent audit of Comcast and if it showed that the increase was unnecessary, the rates could be rolled back at some future date. He stated staff does not recommend that the county incur the expense of an independent audit, and after the public hearing, staff recommends that the Board take no action.

Mr. Ken Dye, representing Comcast, stated increasing the maximum rate does not necessarily foretell an increase in the rate itself, but merely allows Comcast to preserve its right to such an increase. He noted all service levels above the limited basic tier are unregulated at both the local and federal levels.

In response to Mr. Miller's question, Mr. Dye stated the limited basic rate in the City of Richmond is 44 cents less than Chesterfield. He further stated cable television is a heavily competitive business; therefore, Comcast will think

twice before increasing its rates.

Mrs. Humphrey stated citizens are very frustrated that they have no voice in Comcast's rate increases other than the limited basic service.

Mr. Dye noted an increase in the limited basic rate would apply to approximately three percent of Comcast's customers who subscribe to the limited basic tier only.

Mr. Micas noted that the total cable bill is built upon the rate of the limited basic tier.

Mr. Dye stated Comcast has made this filing several times without increasing its rates.

Discussion ensued relative to no regulation of cable television services above the limited basic tier.

Mr. Miller called for public comment.

Mr. William Hype, a resident of the Queensmill Subdivision, expressed concerns relative to the inadequate customer service provided by Comcast for both cable television and Internet service. He provided Board members with a comparison of Comcast's standard service rates for various locations in the region as well as nationwide, indicating that only two of the 15 localities have rates that are higher than Chesterfield.

There being no one else to speak to the issue, the public hearing was closed.

Mr. Miller stated he has had some calls and received correspondence from citizens who were dissatisfied with the service provided by Comcast.

Mr. Barber stated Mr. Hype has voiced concerns relative to Comcast on several occasions, and he suggested that Mr. Hype express his dissatisfaction at the public hearing so that Mr. Dye could personally address his concerns.

Mr. Barber made a motion, seconded by Mrs. Humphrey, for the Board to take no action regarding Comcast's proposed rate increase for limited basic cable service and installation and equipment rates.

Mrs. Humphrey thanked Mr. Hype for expressing his concerns and stated she is pleased that Comcast has greatly improved the service it provides to the rural areas of Matoaca.

Mr. Miller called for a vote on the motion of Mr. Barber, seconded by Mrs. Humphrey, for the Board to take no action regarding Comcast's proposed rate increase for limited basic cable service and installation and equipment rates.

Ayes: Miller, Barber, Humphrey, King and Warren.
Nays: None.

**16.F. TO CONSIDER APPROPRIATION OF FUNDS OF FEDERAL
DEPARTMENT OF HOMELAND SECURITY URBAN AREA SECURITY
INITIATIVE FUNDS**

Mr. Hammer stated this date and time has been advertised for a public hearing for the Board to consider the appropriation

of Federal Department of Homeland Security Urban Area Security Initiative funds.

Mr. Miller called for public comment.

No one came forward to speak to the issue.

After brief discussion, on motion of Mrs. Humphrey, seconded by Mr. Warren, the Board approved the appropriation of \$6,504,722 of Federal Department of Homeland Security Urban Area Security Initiative funds.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

16.G. TO CONSIDER AN ORDINANCE TO VACATE A PORTION OF A FIFTY-FOOT UNIMPROVED RIGHT OF WAY KNOWN AS MANATEE ROAD WITHIN LAND-O-PINES, SECTION A

Mr. Stith stated this date and time has been advertised for a public hearing for the Board to consider an ordinance to vacate a portion of a 50-foot unimproved right of way known as Manatee Road within Land-O-Pines, Section A.

Mr. Miller called for public comment.

No one came forward to speak to the ordinance.

On motion of Mr. Miller, seconded by Mrs. Humphrey, the Board adopted the following ordinance:

AN ORDINANCE whereby the COUNTY OF CHESTERFIELD, VIRGINIA, ("GRANTOR") vacates to DENNIS S. CAPELL and KAREN D. CAPELL, (husband and wife); and FRANKLIN MITCHELL and PAMELA R. MITCHELL, (husband and wife), ("GRANTEE"), a portion of a 50' unimproved right of way known as Manatee Road within Land-O-Pines, Section A, DALE Magisterial District, Chesterfield County, Virginia, as shown on a plat thereof duly recorded in the Clerk's Office of the Circuit Court of Chesterfield County in Plat Book 10, at Pages 26 and 27.

WHEREAS, DENNIS S. CAPELL and KAREN D. CAPELL, petitioned the Board of Supervisors of Chesterfield County, Virginia to vacate a portion of a 50' unimproved right of way known as Manatee Road within Land-O-Pines, Section A, DALE Magisterial District, Chesterfield County, Virginia more particularly shown on a plat of record in the Clerk's Office of the Circuit Court of said County in Plat Book 10, Pages 26 and 27, by PHILLIP H. BROOKS & KENNETH L. BARTON, dated FEBRUARY 6, 1957, and recorded APRIL 1, 1957. The portion of right of way petitioned to be vacated is more fully described as follows:

A portion of a 50' unimproved right of way known as Manatee Road within Land-O-Pines, Section A, the location of which is more fully shown on a sketch attached hereto and made a part of this Ordinance.

WHEREAS, notice has been given pursuant to Section 15.2-2204 of the Code of Virginia, 1950, as amended, by advertising; and,

WHEREAS, no public necessity exists for the continuance of the portion of right of way sought to be vacated.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF CHESTERFIELD COUNTY, VIRGINIA:

That pursuant to Section 15.2-2272 of the Code of Virginia, 1950, as amended, the aforesaid portion of right of way be and is hereby vacated.

GRANTEE hereby conveys unto the GRANTOR and GRANTOR hereby reserves a water, sewer and drainage easement over the entire portion of right of way hereby vacated.

This Ordinance shall be in full force and effect in accordance with Section 15.2-2272 of the Code of Virginia, 1950, as amended, and a certified copy of this Ordinance, together with the plat attached hereto shall be recorded no sooner than thirty days hereafter in the Clerk's Office of the Circuit Court of Chesterfield County, Virginia pursuant to Section 15.2-2276 of the Code of Virginia, 1950, as amended.

The effect of this Ordinance pursuant to Section 15.2-2274 is to destroy the force and effect of the recording of the portion of the plat vacated. This Ordinance shall vest fee simple title to the centerline of the portion of right of way hereby vacated in the abutting property owners free and clear of any rights of public use.

Accordingly, this Ordinance shall be indexed in the names of the COUNTY OF CHESTERFIELD as GRANTOR, and DENNIS S. CAPELL and KAREN D. CAPELL, (husband and wife); and FRANKLIN MITCHELL and PAMELA R. MITCHELL, (husband and wife), or their successors in title, as GRANTEE.

Ayes: Miller, Barber, Humphrey, King and Warren.
Nays: None.

16.H. TO CONSIDER AN ORDINANCE TO VACATE A PORTION OF LOT 9, THE BELLWOOD FARM SUBDIVISION

Mr. Stith stated this date and time has been advertised for a public hearing for the Board to consider an ordinance to vacate a portion of Lot 9, The Bellwood Farm Subdivision.

Mr. Miller called for public comment.

No one came forward to speak to the ordinance.

On motion of Mr. King, seconded by Mr. Warren, the Board adopted the following ordinance:

AN ORDINANCE whereby the COUNTY OF CHESTERFIELD, VIRGINIA, ("GRANTOR") vacates to WILLIAM R. PURDY, JR., DOROTHY E. PURDY and COMMONWEALTH OF VIRGINIA, ("GRANTEE"), a portion of Lot 9, The Bellwood Farm Subdivision, BERMUDA Magisterial District,

Chesterfield County, Virginia, as shown on a plat thereof duly recorded in the Clerk's Office of the Circuit Court of Chesterfield County in Plat Book 3, at Page 183.

WHEREAS, WILLIAM R. PURDY, JR., and DOROTHY E. PURDY, petitioned the Board of Supervisors of Chesterfield County, Virginia to vacate a portion of Lot 9, The Bellwood Farm Subdivision, BERMUDA Magisterial District, Chesterfield County, Virginia more particularly shown on a plat of record in the Clerk's Office of the Circuit Court of said County in Plat Book 3, Page 183, by ATLANTIC COAST REALTY CO., dated FEBRUARY, 1920, and recorded MARCH 25, 1920. The portion of Lot 9, petitioned to be vacated is more fully described as follows:

A portion of Lot 9, The Bellwood Farm Subdivision, the location of which is more fully shown on a plat made by GENE WATSON & ASSOCIATES, P.C., dated JULY 9, 2004, and revised AUGUST 19, 2004, a copy of which is attached hereto and made a part of this Ordinance.

WHEREAS, notice has been given pursuant to Section 15.2-2204 of the Code of Virginia, 1950, as amended, by advertising; and,

WHEREAS, no public necessity exists for the continuance of the portion of Lot 9 sought to be vacated.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF CHESTERFIELD COUNTY, VIRGINIA:

That pursuant to Section 15.2-2272 of the Code of Virginia, 1950, as amended, the aforesaid portion of Lot 9 be and is hereby vacated.

This Ordinance shall be in full force and effect in accordance with Section 15.2-2272 of the Code of Virginia, 1950, as amended, and a certified copy of this Ordinance, together with the plat attached hereto shall be recorded no sooner than thirty days hereafter in the Clerk's Office of the Circuit Court of Chesterfield County, Virginia pursuant to Section 15.2-2276 of the Code of Virginia, 1950, as amended.

The effect of this Ordinance pursuant to Section 15.2-2274 is to destroy the force and effect of the recording of the portion of the plat vacated. This Ordinance shall vest fee simple title of the portion of Lot 9 hereby vacated in the underlying property owners.

Accordingly, this Ordinance shall be indexed in the names of the COUNTY OF CHESTERFIELD as GRANTOR, and WILLIAM R. PURDY, JR., DOROTHY E. PURDY and COMMONWEALTH OF VIRGINIA, or their successors in title, as GRANTEE.

Ayes: Miller, Barber, Humphrey, King and Warren.
Nays: None.

**16.I. TO CONSIDER AN ORDINANCE TO VACATE A PORTION OF
REVISED MAP OF POCOSHOCK HILLS**

Mr. Stith stated this date and time has been advertised for a public hearing for the Board to consider an ordinance to vacate a portion of Revised Map of Pocoshock Hills.

Mr. Miller called for public comment.

No one came forward to speak to the ordinance.

On motion of Mr. Warren, seconded by Mr. Barber, the Board adopted the following ordinance:

AN ORDINANCE whereby the COUNTY OF CHESTERFIELD, VIRGINIA, ("GRANTOR") vacates to R C & D, LLC, a Virginia limited liability company, ("GRANTEE"), Lots 12, 14 and 16, Revised Map of Pocoshock Hills, CLOVER HILL Magisterial District, Chesterfield County, Virginia, as shown on a plat thereof duly recorded in the Clerk's Office, Circuit Court, Chesterfield County, Virginia in Plat Book 8, Pages 25 and 26.

WHEREAS, R C & D, LLC, a Virginia limited liability company, petitioned the Board of Supervisors of Chesterfield County, Virginia to vacate Lots 12, 14 and 16 within Revised Map of Pocoshock Hills, CLOVER HILL Magisterial District, Chesterfield County, Virginia more particularly shown on a plat of record in the Clerk's Office of the Circuit Court of said County in Plat Book 8, Pages 25 and 26, by W.W. LAPRADE & BROS., dated JUNE 5, 1941. The portion of Revised Map of Pocoshock Hills petitioned to be vacated is more fully described as follows:

Lots 12, 14 and 16 Revised Map of Pocoshock Hills, as shown on a plat by BALZER AND ASSOCIATES, INC., dated JUNE 3, 2004, and revised JUNE 8, 2004, AUGUST 30, 2004 and SEPTEMBER 16, 2004, a copy of which is attached hereto and made a part of this Ordinance.

WHEREAS, notice has been given pursuant to Section 15.2-2204 of the Code of Virginia, 1950, as amended, by advertising; and,

WHEREAS, no public necessity exists for the continuance of the portion of Subdivision sought to be vacated.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF CHESTERFIELD COUNTY, VIRGINIA:

That pursuant to Section 15.2-2272 of the Code of Virginia, 1950, as amended, the aforesaid portion of Revised Map of Pocoshock Hills be and is hereby vacated.

This Ordinance shall be in full force and effect in accordance with Section 15.2-2272 of the Code of Virginia, 1950, as amended, and a certified copy of this Ordinance, together with the plat attached hereto shall be recorded no sooner than thirty days hereafter in the Clerk's Office of the Circuit Court of Chesterfield County, Virginia pursuant

to Section 15.2-2276 of the Code of Virginia, 1950, as amended.

The effect of this Ordinance pursuant to Section 15.2-2274 is to destroy the force and effect of the recording of the portion of the plat vacated.

Accordingly, this Ordinance shall be indexed in the names of the COUNTY OF CHESTERFIELD as GRANTOR, and R C & D, LLC, a Virginia limited liability company, or its successors in title, as GRANTEE.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

17. ADJOURNMENT

On motion of Mrs. Humphrey, seconded by Mr. Barber, the Board adjourned at 8:14 p.m. until October 27, 2004 at 4:00 p.m.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

Lane B. Ramsey
County Administrator

Kelly E. Miller
Chairman